

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.

v.

09 MJ 2234

JOSE Luis TAPIA

ORDER OF DETENTION

Defendant.

I.

A.  On motion of the Government in a case allegedly involving:

1.  a crime of violence.
2.  an offense with maximum sentence of life imprisonment or death.
3.  a narcotics or controlled substance offense with maximum sentence of ten or more years .
4.  any felony - where defendant convicted of two or more prior offenses described above.
5.  any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C § 2250.

B.  On motion by the Government /  on Court's own motion, in a case

1 allegedly involving:

2 ( ) On the further allegation by the Government of:

3 1.  a serious risk that the defendant will flee.

4 2. ( ) a serious risk that the defendant will:

5 a. ( ) obstruct or attempt to obstruct justice.

6 b. ( ) threaten, injure, or intimidate a prospective witness or juror or  
7 attempt to do so.

8 C. The Government ( ) is/ ( ) is not entitled to a rebuttable presumption that no  
9 condition or combination of conditions will reasonably assure the defendant's  
10 appearance as required and the safety of any person or the community.

11  
12 II.

13 A.  The Court finds that no condition or combination of conditions will  
14 reasonably assure:

15 1.  the appearance of defendant as required.

16 ( ) and/or

17 2. ( ) the safety of any person or the community.

18 B. ( ) The Court finds that the defendant has not rebutted by sufficient  
19 evidence to the contrary the presumption provided by statute.

20  
21 III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged, including whether the  
24 offense is a crime of violence, a Federal crime of terrorism, or involves a minor  
25 victim or a controlled substance, firearm, explosive, or destructive device;

26 B. the weight of evidence against the defendant;

27 C. the history and characteristics of the defendant; and

28 D. the nature and seriousness of the danger to any person or to the community.

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2 IV.  
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4 The Court also has considered all the evidence adduced at the hearing and the  
5 arguments and/or statements of counsel, and the Pretrial Services  
6 Report/recommendation.  
7

V

8 The Court bases the foregoing finding(s) on the following:  
9

A.  As to flight risk:

- 10 - charge  
11
- 12 - No information regarding defendant's background  
13
- 14 - immigration status

B.  As to danger:

- 18 - prior criminal history  
19

VI

26 A.  The Court finds that a serious risk exists the defendant will:

27 1.  obstruct or attempt to obstruct justice.

28 2.  attempt to/  threaten, injure or intimidate a witness or juror.

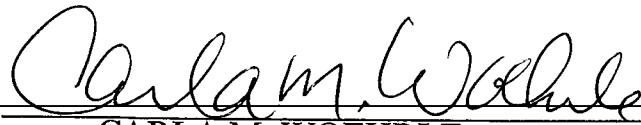
1                   B. The Court bases the foregoing finding(s) on the following:  
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VII

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11                   A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.  
12                   B. IT IS FURTHER ORDERED that the defendant be committed to the  
13                   custody of the Attorney General for confinement in a corrections facility  
14                   separate, to the extent practicable, from persons awaiting or serving  
15                   sentences or being held in custody pending appeal.  
16                   C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
17                   opportunity for private consultation with counsel.  
18                   D. IT IS FURTHER ORDERED that, on order of a Court of the United States  
19                   or on request  
20                   of any attorney for the Government, the person in charge of the corrections facility  
21                   in which defendant is confined deliver the defendant to a United States marshal for  
22                   the purpose of an appearance in connection with a court proceeding.

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24                   DATED: Sept. 29, 2009   
25

26                   CARLA M. WOEHRL  
27

28                   UNITED STATES MAGISTRATE JUDGE